

**Enrolled Minutes of the Tenth Regular Meeting
Of the Twenty-Sixth Highland Town Council
Monday, June 09, 2008**

Study Session. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, June 09, 2008 at 6:30 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark A. Herak, Dan Vassar and Konnie Kuiper were present. Councilor Brian Novak was absent owing to a work commitment. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the imminent agenda.
2. The Town Council discussed the proposed Economic Development Plan and Area that was the subject of Resolution No. 2008-23. The discussion concerned the proposed Highland Acres Economic Development Area, located at the Northwest corner of Indianapolis Boulevard and Main Street. The discussion included concern about the agreeability of residents in the area to having the designation.

The study session ended at 7:07 O'clock p.m.

Regular Meeting. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, June 09, 2008 at 7:08 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President Bernie Zemen presided and the Town Clerk-Treasurer was present to memorialize the proceedings.

The session was opened with the Town Council President leading the pledge of allegiance to the United States Flag and offering a prayer.

Roll Call: Councilors Bernie Zemen, Mark A. Herak, Dan Vassar and Konnie Kuiper were present. Councilor Brian Novak was absent owing to a work commitment. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: David Westland, Attorney with Tauber Westland and Bennett, P.C.; John Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; Kenneth J. Mika, Building Commissioner; William R. Timmer, CFOD, Fire Chief; Cecile Petro, Redevelopment Director and Alex M. Brown, CPRP, Parks and Recreation Superintendent.

Lisa Gauthier and Karen Ziants of the Special Events Advisory Committee; Leroy Fassett of the Shared Ethics Advisory Committee; George Vande Werken of the Economic Development Commission; Jarod Tauber, Attorney with Attorney with Tauber Westland and Bennett, P.C.; and Dan Stombaugh of the Town Board of Metropolitan Police Commissioners were also present.

Minutes of the Previous Session

The minutes of the regular meeting of 12 May 2008 were approved by general consent.

Special Orders:

1. **Ceremony:** Administration of Oath of Office for Police Officer Candidates **DAVID J. SITTER** and **MICHAEL R. YONKMAN**. Police Officer Candidates Sitter and Yonkman were appointed by the Town Board of Metropolitan Police Commissioners at its meeting of 8 May 2008, with the appointments to be effective **25th** of May 2008.
 - (a) Action by Town Council determining that the named Candidates Meet the Qualifications for such position, as Determined by the Town Board of Metropolitan Police Commissioners and as now approved by the Highland Town Council. *Motion.* Councilor Herak moved that the Town Council determine and find that the named candidates meet the qualifications for such position, as determined by the Town Board of Metropolitan Police Commissioners and as now approved by the Highland Town Council. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The candidates were found to meet the qualifications.
 - (b) *Administration of Oath.* The Town Clerk-Treasurer instructed about the purposes and meaning of the public recital of oaths and then administered the proper oath to each candidate separately, which was sworn by each.
 - (c) Presentation of Badges by Metropolitan Police Commission Chair and Town Council President. The Metropolitan Police Chief presented a badge to Police Officer David J. Sitter and presented a badge to Police Officer Michael R. Yonkman. Each then introduced family and other guests.
2. **Public Hearing on a Petition to Vacate a Public Way or Easement. Petition filed by Goubeaux Wojcik Partnership and Peoples Bank as Trustee of Trust 10347**, requesting the vacation of public way, a platted alley located parallel to and between Kennedy Avenue and Erie Street, Highland pursuant to IC 36-7-3-12. Petition filed 15 May 2008. Hearing must occur by 14 June 2008.
 - (a) Review of Proofs of Publication: TIMES 20 May 2007. (Mailing to three persons listed in petition) Mr. Westland indicated that the proofs of publication and proofs of mailing were in order.
 - (b) Public Hearing on the Petition as filed. The Town Council President called the hearing to order. Mr. Randy Wyllie, attorney for the petitioner, was present to speak in favor of the petition.
 1. Joe Bartok, 9324 Spring Creek Drive, Highland, inquired seeking clarification of the boundaries of the alley vacation, asking particularly whether or not the petitioner was seeking a vacation of the entire alley located parallel to and between Kennedy Avenue and Erie Street or only that which was appurtenant to the property the petitioner is developing at that location. Mr. Wyllie indicated that the vacation was concerned with that which was appurtenant to the property the petitioner is developing at that location
 2. Jim Diehl, 10104 Kennedy Avenue, Highland, inquired about the petitioner's purpose for seeking the unimproved alley vacation.

There were no further comments. The hearing was closed.

- (c) Consideration of proposed **Ordinance No. 1396**: An Ordinance to vacate a Public Way or Easement. Councilor Herak introduced and moved the consideration of Ordinance No. 1396 at the same meeting of introduction. Councilor Vassar seconded. Upon a roll call

vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The ordinance could be considered at this meeting.

Councilor Herak moved the passage and adoption of Ordinance No. 1396 at the same meeting of introduction. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The ordinance was adopted.

**ORDINANCE NO. 1396
of the
TOWN OF HIGHLAND, INDIANA**

**AN ORDINANCE VACATING A PUBLIC WAY, PLACE OR EASEMENT
PURSUANT TO INDIANA CODE 36-7-3 CHAPTERS 12 AND 16**

WHEREAS, The Town Council of the Town of Highland is the Municipal Legislative Body of the unit; and

WHEREAS, **GOUBEUX WOJCIK PARTNERSHIP and PEOPLES BANK AS TRUSTEE OF TRUST NO. 10437**, have filed a petition with the Clerk-Treasurer as clerk of the municipal legislative body, requesting a public hearing on the matter of vacation of a public way, place or easement, the legal description of which is set forth herein; and

WHEREAS, The municipal clerk has caused through the Petitioner, notice to be given in the manner prescribed in I.C. 5-3-1, as well as by certified mail to each owner of land that abuts the property proposed to be vacated, and such hearing has been conducted; and

WHEREAS, The Town Council desires to execute a vacation of the aforementioned public way, place or easement pursuant to Indiana Code 36-7-3 et sequitur;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Town Council of the Town of Highland, as follows:

Section 1. That the Town of Highland, by and through its Town Council hereby vacates and forever releases all right, title and interest in and to the following described public way, place or easement to **GOUBEUX WOJCIK PARTNERSHIP and PEOPLES BANK AS TRUSTEE OF TRUST NO. 10437**, Highland, Indiana, Lake County, Indiana:

A public way which is an easement (a platted and unused alley) that runs parallel to and between Kennedy Avenue and Erie Place, Highland, Lake County, Indiana, which public way or alley is further described as follows:

Being a public way 16 feet in width and lying West of Lots 5 thru 10 and East of Lots 29 thru 34, in Block 3, Wicker Boulevard Addition to Highland, as per plat thereof, recorded in Plat Book 16, page 24 in the Office of the Recorder of Lake County, Indiana, such public way, all in the Town of Highland, Lake County, Indiana.

Section 2. That the Town Council further finds and determines:

- (a) That the vacation would not hinder growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous;
- (b) That the vacation would not make access to the contiguous lands or lands of any aggrieved persons by means of a public way or difficult or inconvenient;
- (c) The vacation would not hinder the public's access to a church, school, or other public building or place;
- (d) The vacation would not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

Section 3. That this ordinance will be in full force and effect from and after its passage and adoption, subject and pursuant to provisions of I.C. 36-7-3-12(f).

Introduced and Filed on the 9th day of June, 2008. Consideration on First Reading Sustained a vote of 4 in Favor and 0 opposed, pursuant to I.C. 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 9th day of June, 2008, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN OF
HIGHLAND, INDIANA**

BERNIE ZEMEN, President (I.C. 36-5-2-10)

Attest:

Michael W. Griffin, Clerk-Treasurer (I.C. 33-16-4-1; I.C. 36-5-6-5)

3. **Plan Commission Docket No. 2008-01:** Petitioner seeking a rezoning of property located at 9115 Kennedy Avenue, Highland from R1A Single Family Residential District to R2 Single and Two Family Residential District. Petitioner is **Glen Goubeaux for Trust No. 10347**. The matter is now certified by the Municipal Plan Commission with a favorable recommendation. The matter was considered at the Plan Commission meeting of April 16, 2008. The Findings of Fact were memorialized and approved by the Plan Commission on May 21, 2008. Pursuant to IC 36-7-4-604, the Town Council may either adopt the recommendation and adopt the ordinance or reject the recommendation. If no action occurs within 90 days, the recommendation of the Plan Commission is adopted. The Town Council must act by **July 15, 2008**.

(a) **Action on Ordinance No. 1397:** An Ordinance to Amend the Zoning Map as Requested by the Petitioner. Councilor Vassar moved to accept the favorable recommendation of the Plan Commission and to pass and adopt Ordinance No. 1397. Councilor Herak seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The ordinance was adopted.

ORDINANCE NO. 1397
of the
TOWN OF HIGHLAND, INDIANA

An Ordinance Amending the Zoning Map of the Comprehensive Zoning Ordinance Passed by the Town Council of the Town of Highland, Lake County, Indiana, on the 22nd day of November, 1999, to be Effective on the 1st day of July, 2000; and hereinafter reclassifying an area in the Town of Highland, Lake County, Indiana.

WHEREAS, The Town Council of the Town of Highland, Indiana, did pass a certain zoning ordinance which is now in full force and effect, and which is known as Ordinance Nos. 1126 as amended by 1127.1126-A, together with all amendments thereof and supplements thereto and codified as Chapter 214 of the Highland Municipal Code; and

WHEREAS, A petition and application for said proposed amendment was submitted to the Highland Plan Commission, and a public hearing was held thereon according to said Ordinance Nos. 1126 as amended by 1127.1126-A, together with all amendments thereof and supplements thereto and codified as Chapter 214 of the Highland Municipal Code, and said Commission recommends a favorable approval; and

WHEREAS, A Petition and Application for said proposed amendment was transmitted to the Highland Town Council by the Plan Commission of the Town of Highland, Indiana, along with its recommendation; and

WHEREAS, After due consideration and study, the Town Council of the Town of Highland, **does** believe said amendment will be advantageous to said Town and will insure the public health, safety, welfare, and morals of the Citizens thereof in the area affected.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Town Council of the Town of Highland, Lake County, Indiana:

Section 1. That the following described property situated in the Town of Highland, Lake County, Indiana, which is presently designated as being **R-1A Single Family Residential (Large Lots)** is hereby rezoned to **R-2 Single and Two Family Residential District**, commonly described as **9115 Kennedy Avenue, Highland, Indiana**;

Section 2. That the Town Engineer is hereby ordered to make appropriate map change and that said Ordinance Nos. 1126 as amended by 1127.1126-A, together with all amendments thereof and supplements thereto and codified as Chapter 214 of the Highland Municipal Code, and the same is hereby further amended accordingly;

Section 3. That an emergency exists for the immediate taking effect of this amendment, and that the same shall be in full force and effect from and after its passage.

Certificate of the Plan Commission

It is hereby certified that the foregoing proposed rezoning was considered at a regular ~~or special~~ meeting by the Highland Municipal Plan Commission, by a vote of 5 in favor and 1 opposed, was duly forwarded with a **favorable recommendation** for adoption to the Town Council of Highland by the Highland Municipal Plan Commission, on the 16th day of April 2008.

TOWN OF HIGHLAND
Municipal Plan Commission

Daniel Buksa, President

Attest:

, Secretary

Action by Legislative Body

Duly Ordained and Adopted pursuant to the provisions of IC 36-5-2-9.8 (b)(1), the recommendation of the Plan Commission is noted and the Ordinance is (adopted/defeated) by the Town Council of the Town of Highland, Lake County, Indiana, this 9th day of June 2008, having sustained a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

Comments from the Public for Matters on the Agenda

1. Jim Diehl, 10104 Kennedy Avenue, Highland, commented on high-speed traffic that he experienced near his home as well as motorcycle noise. Mr. Diehl expressed his hope for more speed limit enforcement in his area.

There were no further comments from the public.

Appointments:

• **Statutory Boards and Commissions**

Executive Appointments made by Town Council President

Legislative or Fiscal Body Appointments made by Town Council

1. Legislative Appointments to the **Special Events Advisory Commission** (2) and others subject to adoption of amendment later in meeting.

Councilor Herak moved that **Liz Breslin**, 8539 Henry Street, Highland, be appointed to the vacancy in the position formerly held by Pat Popa, for the unexpired term; and that **Dawn Wolak**, 3836 Highway Avenue, Highland, be appointed to the vacancy in the position formerly held by Judy Vaughn, for the unexpired term. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. Ms. Breslin and Ms. Wolak were appointed.

2. **Redevelopment Commission** (1); Legislative Appointment for unexpired term of Rich Garza.

Councilor Vassar moved the appointment of **Mr. Greg Kuzmar**, 3139 Lakeside Drive, Highland, to the unexpired term of the position once held by Rich Garza. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. Mr. Kuzmar was appointed.

Staff Reports: The Council received the following reports as information for the record:

• **Building & Inspection Report for May 2008**

Permit Type	No.	Residential	Commercial	Est. Cost	Fees
Single Family	1	1	0	\$160,000.00	\$1,810.00
Duplex/Condo	0	0	0	\$0.00	\$0.00
Commercial	1	0	1	\$358,425.00	\$3,910.00
Residential	101	101	0	\$561,294.00	\$9,691.00

Addit/Remodel					
Commercial	5	0	5	\$2,499,145.00	\$26,049.00
Addit/Remodel					
Schools/Church	1	1		\$700,000.00	\$220.00
remodel/addtn.					
Sheds	2	2	0	\$3,894.00	\$272.00
Fences	20	20	0	\$69,747.00	\$1,920.00
Garage	1	1	0	\$13,000.00	\$307.00
Swimming Pools	7	7	0	\$0.00	\$140.00
Misc. Permits	9	9	0	\$37,752.00	\$924.00
Misc. other	3	2	1	\$350,000.00	\$270.00
Signs	3	0	3	\$85,300.00	\$1,523.00
Fire Repair	0	0	0	\$0	\$0
Total:	154	144	10	\$4,838,557.00	\$47,036.00
Electrical	29	22	7		\$3,342.00
Permits					
Heating/AC	7	5	2	\$0.00	\$583.00
Permits					
Plumbing	12	7	5		\$2,532.80
Permits					
Water Meters	3	3	0		\$300.00
Water Taps	4	4	0		\$800.00
Sewer Taps	4	4	0		\$1,400.00
Total:	23	18	5		\$5,032.80

May Code Enforcement: 133 warnings issued and 19 citations were issued.

There were 12 final building inspections, 7 plumbing inspections, and 15 electrical inspections. There was 1 electrical exam given.

• **Fire Department Report for May 2008**

	Month	Y.T.D.	Previous Y.T.D.	Task Hours
General Alarms	10	59	63	
Car Fires	2	7	2	
Still Alarms	6	32	49	
Ambulance calls	0	1	0	

• **Workplace Safety Report for May 2008**

There were three incidents reported in May. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2008	Total in 2007	Restricted Days 2008	Lost Workdays This Year	Restricted Days Last Year (2007)	Lost Workdays Last Year (2007)
Parks	0	1	6	0	0	0	0
Fire	0	1	1	0	0	0	0
Police	0	3	10	0	0	55	70
Street	0	3	2	0	0	0	0
Water & Sewer	0	4	3	0	0	0	0
Maint.	0	0	0	0	0	0	0
Other	0	0	3	0	0	0	0
TOTALS	0	12	25	0	0	55	70

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

Unfinished Business and General Orders:

- Introduced Ordinance No. 1394:** An Ordinance to Amend the Highland Municipal Code, by establishing a New Subchapter, Authoring Several Methods of Payment to the Municipality all pursuant to IC 36-1-8 and IC 36-1-3 et seq. *Councilor Vassar introduced and filed this ordinance at the Town Council meeting of May 12, 2008. There was no further action. This*

ordinance if adopted will permit payment to the municipality by cash, credit card, bankcard, ACH, and electronic funds transfer.

Councilor Vassar moved the passage and adoption of Ordinance No. 1394. Councilor Herak seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The ordinance was adopted.

**ORDINANCE NO. 1394
of the
TOWN of HIGHLAND, INDIANA**

AN ORDINANCE TO AMEND THE HIGHLAND MUNICIPAL CODE, BY ESTABLISHING A NEW SUBCHAPTER AUTHORIZING SEVERAL METHODS OF PAYMENTS TO MUNICIPALITY, ALL PURSUANT TO IC 36-1-8, IC 36-1-4 AND IC 36-1-3 ET SEQ.

WHEREAS, The Town Council is the fiscal body of the Town of Highland;

WHEREAS, IC 36-1-8-11 outlines permissible methods of payment to the municipality and its utilities;

WHEREAS, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

WHEREAS, IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through passage of an ordinance passed by the legislative body;

WHEREAS, IC 36-1-4-17 provides a general power for municipalities to establish or approve third party collection arrangements;

WHEREAS, The Town Clerk-Treasurer has advised the Town Council of the desirability of permitting methods of payment to the municipality consistent with e-government, reducing the cost of collection, improving the speed of collection, and permitting added convenience for residents, ratepayers, users of services and others tendering payment to the municipality;

WHEREAS, The Town Council has determined that it would be of great public benefit of permitting methods of payment to the municipality consistent with e-government, reducing the cost of collection, improving the speed of collection, and permitting added convenience for residents, ratepayers, users of services and others tendering payment to the municipality, to support and carryout the public purposes of the municipality and its utilities;

WHEREAS, It would be and is in the best interest of the Town of Highland to amend the Highland Municipal Code by adding a new subchapter entitled *Method of Payments* in order to further perfect the operation of the Town and its utilities; and,

WHEREAS, The Town Council believes this action to be necessary and desirable for the conduct of the affairs of the Town, and in the public interest, consistent with the powers granted under IC 36-1-3 et seq., IC 36-1-4 et seq., and IC 36-1-8-11;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That Chapter 31 of the Highland Municipal Code be amended by adding a new subchapter, beginning with Section § 31.80 through and including Section § 31.85, which shall read as follows:

Authorized Methods of payment to and from Municipality

§ 31.80 Definitions.

As used in this subchapter, "credit card" means a:

- (1) credit card;
- (2) debit card;
- (3) charge card; or
- (4) stored value card.

§31.81 Authorized financial instruments.

(A) Payments may be made to the municipality, and its executive departments for any lawful purpose by any of the following financial instruments:

- (1) Cash.
- (2) Check.
- (3) Bank draft.
- (4) Money order.
- (5) Bank card or credit card.
- (6) Electronic funds transfer.
- (7) Wire funds or Automated Clearing House (ACH)
- (8) Any other financial instrument authorized by the fiscal body.

(B) Payments may be made to the municipality and its utilities for any lawful purpose by any of the following financial instruments that the board of the municipally owned utility authorizes for use:

- (1) Cash.
- (2) Check.
- (3) Bank draft.
- (4) Money order.
- (5) Bank card or credit card.
- (6) Electronic funds transfer.
- (7) Wire funds or Automated Clearing House (ACH)
- (8) Any other financial instrument authorized by the fiscal body.

(C) If there is a charge to the municipality, its executive departments or municipally owned utility for the use of a financial instrument, a fee may be collected equal to the amount of the charge from the person who uses the financial instrument.

§31.82 Procedures for payments to be uniform.

In accepting payments under the provisions of this subchapter and IC 36-1-8-11, the procedure authorized for a particular type of payment shall be uniformly applied to all payments of the same type. The municipal fiscal officer is authorized to administer and enforce this section and to promulgate written guidelines consistent with its purposes.

§31.83 Added Authority Related to Acceptance of bank or credit Cards.

(A) The municipality, its executive departments and its utilities may contract with any of the following:

- (1) A bank card or credit card vendor for acceptance of bank cards or credit cards;
- (2) A third party On-line collection service for acceptance of bank cards or credit cards

(B) The municipality, its executive departments and its utilities may pay any applicable bank card or credit card service charge associated with the use of a bank card or credit card under §31.83.

§31.84 Authorized financial instruments.

(A) Payments may be made by the municipality, and its executive departments for any lawful purpose by any of the following financial instruments:

- (1) Cash.
- (2) Check.
- (3) Bank draft.
- (4) Money order.
- (5) Bank card or credit card.
- (6) Electronic funds transfer.
- (7) Wire funds or Automated Clearing House (ACH)
- (8) Any other financial instrument authorized by the fiscal body.

(B) Payments may be made to the municipality and its utilities for any lawful purpose by any of the following financial instruments that the board of the municipally owned utility authorizes for use:

- (1) Cash.
- (2) Check.
- (3) Bank draft.
- (4) Money order.
- (5) Bank card or credit card.
- (6) Electronic funds transfer.
- (7) Wire funds or Automated Clearing House (ACH)
- (8) Any other financial instrument authorized by the fiscal body.

§31.85 Authorized financial instruments.

(A) Payments may be made by Clerk-Treasurer for the municipality, and its executive departments for any lawful purpose by any of the following financial instruments:

(1) Warrant or negotiable order of withdrawal pursuant to the provisions of IC 36-5-4 et seq., IC 5-11-10 et seq., and IC 5-13-5 et seq.

(2) Bank card or credit card, provided that it is expressly authorized by the proper board of jurisdiction, identifies the responsible officer for the card, and expressly sets forth the approved uses for it;

(B) Pursuant to IC 5-13-5-5, transactions or payments may be made by the Clerk-Treasurer for the municipality, and its executive departments for any lawful purpose set forth in this ordinance by any of the following financial instruments:

- (1) Electronic funds transfer;
- (2) Wire funds or Automated Clearing House (ACH);

(C) In making payments under subdivision (B) the clerk-treasurer shall maintain adequate documentation of the transactions so that they may be audited as provided by law, and the use of the instruments set forth in subdivision (B) shall be limited to the following purposes:

- (1) Property or services purchased or leased from:
 - (a) the United States government; or

- (b) an agency or a political subdivision of the United States government.
- (2) Insurance premiums.
- (3) Utility payments or utility connection charges.
- (4) Federal grant programs if:
 - (a) advance funding is not prohibited; and
 - (b) the contracting party provides sufficient security for the amount advanced.
- (5) Grants of state funds authorized by statute.
- (6) Lease agreements or rental agreements.
- (7) Principal and interest payments on bonds.
- (8) Payroll.
- (9) State, federal, or county taxes; and
- (10) Lawful purposes that may be identified by the Clerk-Treasurer and authorized in writing and not inconsistent with this ordinance.

Section 3 Any and all such ordinances in conflict with the provisions of this ordinance are hereby repealed and of no further force nor effect;

Section 4 Whereas an emergency exists for the immediate taking effect of this Ordinance, it shall become and be in full force and effect from and after the date of its passage and adoption upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a);

Introduced and Filed on the 12th Day of May 2008. Consideration on the same day or at same meeting of introduction was not entertained, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 9th Day of June 2008, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

- 2. Resolution No. 2008-21:** An Exigent Resolution Providing for the Transfer of Appropriation Balances from and among Major Budget Classifications in the Sanitation and Streets Department of the Corporation General Fund as Requested by the Department Head or Proper Officer and Forwarded to the Town Council for its action pursuant to IC 6-1.1-18-6. *This resolution reduces Solid Waste Collection Services by \$1500 and increases Gasoline line by same amount.*

Councilor Herak moved the passage and adoption of Resolution No. 2008-21. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN of HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2008-21**

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the Streets and Sanitation Department of the CORPORATION GENERAL FUND as REQUESTED by the DEPARTMENT HEAD or PROPER OFFICER and FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the annual budget and it is now necessary to transfer certain appropriations into different categories than were appropriated in the annual budget for the various functions of the Streets and Sanitation Department of the Corporation General Fund;

WHEREAS, The Town Council has been advised that the transfer would involve creation and authorization of a major expense category, for which no appropriations were approved in the current budget;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes herein specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing appropriations of the Streets and Sanitation Department of the Corporation General Fund have unobligated balances which will not be needed at this time for the purposes for which appropriated, so it will not be necessary to increase the 2008 budget, and may be transferred to a category of appropriation not heretofore present in this department or office of the fund, but now hereby authorized and established, as follows:

CORPORATION GENERAL FUND

Streets and Sanitation Department

Reduce Account #380.01 Solid Waste Service	\$ 1,500.00
<i>Total 300 Series Reductions</i>	\$ 1,500.00

Increase Account #210.01 Gasoline	\$ 1,500.00
<i>Total 200 Series Increases</i>	\$ 1,500.00

Total of All Fund Decreases:	\$ 1,500.00
Total of All Fund Increases:	\$ 1,500.00

DULY RESOLVED and ADOPTED this 9th Day of June 2008 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

- 3. Resolution No. 2008-22:** An Exigent Resolution Providing for the Transfer of Appropriation Balances from and among Major Budget Classifications in the Motor Vehicle (MVH) Fund as Requested by the Department Head or Proper Officer and Forwarded to the Town Council for its action pursuant to IC 6-1.1-18-6. *This resolution reduces Landscape Contract Services by \$20,000 and increases a new line for Part-time Landscape labor line by same amount.*

Councilor Vassar moved the passage and adoption of Resolution No. 2008-22. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN of HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2008-22**

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the MOTOR VEHICLE HIGHWAY (MVH) FUND as REQUESTED by the DEPARTMENT HEAD or PROPER OFFICER and FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the annual budget and it is now necessary to transfer certain appropriations into different categories than were appropriated in the annual budget for the various functions of the Streets and Motor Vehicle Highway Fund;

WHEREAS, The Town Council has been advised that the transfer would involve creation and authorization of a major expense category, for which no appropriations were approved in the current budget;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes herein specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing appropriations of the Motor Vehicle Highway Fund have unobligated balances which will not be needed at this time for the purposes for which appropriated, so it will not be necessary to increase the 2008 budget, and may be transferred to a category of appropriation not heretofore present in this department or office of the fund, but now hereby authorized and established, as follows:

MOTOR VEHICLE HIGHWAY FUND

Reduce Account #390.05 Landscape Services	\$ 20,000.00
<i>Total 300 Series Reductions</i>	\$ 20,000.00
Increase Account #111.39 Landscape Labor (PT)	\$ 20,000.00
<i>Total 100 Series Increases</i>	\$ 20,000.00
Total of All Fund Decreases:	\$ 20,000.00
Total of All Fund Increases:	\$ 20,000.00

DULY RESOLVED and ADOPTED this 9th Day of June 2008 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

- 4. Resolution No. 2008-23:** A Resolution Approving a Declaratory Resolution and Economic Development Plan of the Redevelopment Commission of Highland, Indiana Dated May 14, 2008, for the Highland Acres Economic Development Area and Approving the Order of the Highland Plan Commission dated June 4, 2008, all pursuant to IC 36-7-14 and IC 36-7-25.

Councilor Vassar moved the passage and adoption of Resolution No. 2008-23. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN of HIGHLAND
Town Council Resolution No. 2008-23**

A RESOLUTION APPROVING A DECLARATORY RESOLUTION AND ECONOMIC DEVELOPMENT PLAN OF THE REDEVELOPMENT COMMISSION OF HIGHLAND, INDIANA DATED MAY 14, 2008, FOR HIGHLAND ACRES ECONOMIC DEVELOPMENT AREA AND APPROVING THE ORDER OF THE HIGHLAND PLAN COMMISSION DATED JUNE 4, 2008, ALL PURSUANT TO IC 36-7-14 AND IC 36-7-25.

Whereas, The Town of Highland ("Town") Redevelopment Commission ("Commission") has, on the 10th day of October, 2007, initially approved an Economic Development Plan ("Plan") for the **Highland Acres Economic Development Area** ("Area") in the Town; and,

Whereas, The Town of Highland ("Town") Redevelopment Commission ("Commission") has, on the 9th day of April, 2008, modified its approved an Economic Development Plan ("Plan") for the **Highland Acres Economic Development Area** ("Area") in the Town; and,

Whereas, The Commission has on the 14th day of May, 2008 adopted a declaratory resolution initially approving the Area as an economic development area subject to economic development activities pursuant to IC 36-7-14 and IC 36-7-25 ("Act"); and

Whereas, The Highland Plan Commission ("Plan Commission"), on the 4th day of June, 2008, approved the Plan and Declaratory Resolution; and,

Whereas, The Act requires approval of the Declaratory Resolution and the Plan and the action of the Plan Commission by the Town Council of The Town, pursuant to IC 36-7-14-16 and IC 36-7-14-41;

Now, Therefore Be It Hereby Resolved by the Town Council of the Town of Highland as follows:

Section 1. That the Plan for the Area is in all respects approved, ratified and confirmed by the Town Council.

Section 2. That the action of the Plan Commission on June 4, 2008, approving the Plan and the Declaratory Resolution is in all respects approved, ratified and confirmed by the Town Council.

Section 3. That the Clerk-Treasurer is hereby directed to file a copy of the Declaratory Resolution, the Plan and the approving Order of the Plan Commission with the records of the municipality, and, to the extent that it is practicable, incorporate the Declaratory Resolution, the Plan and the approving Order of the Plan Commission in the minutes of the Town Council meeting in which this matter was considered.

DULY RESOLVED and ADOPTED this 9th Day of June 2008, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President

Attest:

Michael W. Griffin, IAMC/CMC/CPFA
Clerk-Treasurer

EXHIBITS on FILE

5. **Resolution No. 2008-24:** A Resolution Approving a Declaratory Resolution and Redevelopment Plan As Amended of the Redevelopment Commission of Highland, Indiana for The Highland Downtown Redevelopment Area, as Expanded to be designated as an Allocation Area for the purposes of Utilizing Tax Increment Financing and Approving the Order of the Highland Plan Commission dated June 4, 2008, all pursuant to IC 36-7-14 and IC 36-7-25.

Councilor Vassar moved the passage and adoption of Resolution No. 2008-24. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN of HIGHLAND
Town Council Resolution No. 2008-24**

A RESOLUTION APPROVING A DECLARATORY RESOLUTION AND REDEVELOPMENT PLAN AS AMENDED OF THE REDEVELOPMENT COMMISSION OF HIGHLAND, INDIANA FOR THE HIGHLAND DOWNTOWN REDEVELOPMENT AREA, AS EXPANDED TO BE DESIGNATED AS AN ALLOCATION AREA FOR THE PURPOSES OF UTILIZING TAX INCREMENT FINANCING AND APPROVING THE ORDER OF THE HIGHLAND PLAN COMMISSION DATED JUNE 4, 2008, ALL PURSUANT TO IC 36-7-14 AND IC 36-7-25.

Whereas, The Town of Highland ("Town") Redevelopment Commission ("Commission") has, on the 28th day of May, 1997, initially approved an A Redevelopment Plan ("Plan") for the **Highland (Downtown) Redevelopment Area** ("Area") in the Town; and,

Whereas, The Town of Highland ("Town") Redevelopment Commission ("Commission") has, on July 8, 1997, November 19, 2003, December 14, 2005, October 11, 2006, and August 8, 2007, modified its approved Redevelopment Plan and expanded its original area ("Plan") for the **Highland (Downtown) Redevelopment Area** ("Area") in the Town; and,

Whereas, The Commission has on the 28th day of May, 2008 adopted a resolution amending the initially approved Redevelopment Area, as expanded designating it as an allocation area subject to economic development activities pursuant to IC 36-7-14 and IC 36-7-25 ("Act");and

Whereas, The Highland Plan Commission ("Plan Commission"), on the 4th day of June, 2008, approved the amended Plan and Resolution; and,

Whereas, The Act requires approval of the Resolution and the Plan as amended and the action of the Plan Commission by the Town Council of The Town, pursuant to IC 36-7-14-16 and IC 36-7-14-41;

Now, Therefore Be It Hereby Resolved by the Town Council of the Town of Highland as follows:

Section 1. That the Plan for the Area, as expanded and as designated as an allocation area is in all respects approved, ratified and confirmed by the Town Council.

Section 2. That the action of the Plan Commission on June 4, 2008, approving the Plan and the Resolution is in all respects approved, ratified and confirmed by the Town Council.

Section 3. That the Clerk-Treasurer is hereby directed to file a copy of the Declaratory Resolution, the Plan and the approving Order of the Plan Commission with the records of the municipality, and, to the extent that it is practicable, incorporate the Declaratory Resolution, the Plan and the approving Order of the Plan Commission in the minutes of the Town Council meeting in which this matter was considered.

DULY RESOLVED and ADOPTED this 9th Day of June 2008, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President

Attest:

Michael W. Griffin, IAMC/CMC/CPFA
Clerk-Treasurer

EXHIBITS on FILE

- 6. Action of the Town Council as appointing authority to consider approval of the Conflict of Interest Disclosure Statement filed by Daniel Grimmer, possessing ownership in Grimmer Construction, Inc. which performs various construction projects for the Municipality from time to time. Mr. Grimmer is also a member of the Municipal Plan Commission and a Firefighter. This filing is pursuant to IC 35-44-1-3.**

Councilor Herak moved to accept and approve the Conflict of Interest Disclosure as filed. Councilor Vassar seconded. Upon a roll call vote, there were 4 affirmatives and no negatives. The motion passed. The statement was approved.

- 7. Works Board Order No. 2008-13: An Order Authorizing, Approving and Accepting a Utility Easement Agreement with Northern Indiana Public Service Company, Inc., an Indiana Corporation, as Grantor and the Town of Highland as Grantee.**

Councilor Herak moved to pass and adopt the Works Board Order No. 2008-13. Councilor Vassar seconded. Upon a roll call vote, there were 4 affirmatives and no negatives. The motion passed. The Works Board Order was adopted.

**The Town of Highland
ORDER of the WORKS BOARD NO. 2008-13**

An Order Authorizing, Approving and Accepting a Utility Easement Agreement with Northern Indiana Public Service Company (NIPSCO), Inc., an Indiana Corporation, as Grantor and the Town of Highland as Grantee

WHEREAS, Northern Indiana Public Service Company (NIPSCO), Inc., an Indiana Corporation, (hereinafter sometimes described as Grantor) has a real property interest in certain real property located in the Town of Highland, Lake County, Indiana, being a right of way near Lincoln and Idlewild Streets in Highland Indiana, said property of Grantor's (the "Premises") is generally used by Grantor for the transmission and distribution of gas and electricity, and upon which there may be constructed and installed, under various rights, other facilities;

WHEREAS, The Grantor wishes to grant to the Grantee, the Town of Highland, governed by and through its Town Council as the Works Board of the Town, a **utility easement** for constructing and installing in a portion of the Premises one (1) 3/4" underground water line for purposes of water transmission on that real estate as particularly described herein:

TO BE INSERTED

WHEREAS, The Town of Highland, through its Town Council, acting as the Works Board (hereinafter sometimes referred to as Grantee), has determined that a utility easement for this potable water line and all other appurtenances in, under, over and across the above described real estate would be of great public benefit and utility;

NOW, THEREFORE, BE IT HEREBY ORDERED, that the Utility Easement Agreement between Northern Indiana Public Service Company (NIPSCO), Inc., as Grantor, and the Town of Highland, as Grantee, incorporated herein by reference, is hereby approved and ratified in each and every respect.

BE IT FURTHER ORDERED that the Town Council President be hereby authorized to execute the Agreement by his signature as thereto attested by the Clerk-Treasurer.

Be it So Ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 9th day of June, 2008 having passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

EASEMENT FOR WATER LINE

THIS AGREEMENT, made by and between NORTHERN INDIANA PUBLIC SERVICE COMPANY, an Indiana corporation, hereinafter referred to as "Grantor", and the Town of Highland, Indiana, hereinafter referred to as "Grantee", this ____ day of _____, 2008.

WITNESSETH:

WHEREAS, Grantor has a real property interest in that certain property located in Lake County, Indiana, being a right of way near Lincoln and Idlewild Streets in Highland Indiana, said property of Grantor's (the "Premises") is generally used by Grantor for the transmission and distribution of gas and electricity, and upon which there may be constructed and installed, under various rights, other facilities; and

WHEREAS, Grantee is desirous of constructing and installing in a portion of the Premises one (1) 3/4" underground water line (the line is referred to herein as the "Line") for purposes of water transmission;

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements of the parties hereinafter expressed, it is hereby agreed as follows:

1. A. GRANT AND USE OF EASEMENT. Grantor hereby gives, grants, bargains, sells and conveys unto Grantee, its successors and assigns, without any warranty or representation of any kind or nature and only to the extent Grantor's title permits and subject to the terms hereinafter set forth, a non-exclusive easement, right and authority, from time to time, under that portion of the Premises described as follows "Easement Premises":

See Exhibit "A" attached hereto for location

to install, construct, maintain, operate, repair, alter, replace, renew and remove (sometimes collectively referred to herein as the "work") the Line, together with all the rights and privileges necessary or convenient for the full enjoyment or use thereof, for the purposes herein described. For purposes of this Agreement, non-exclusive shall mean that Grantor and others to whom Grantor has granted certain rights and privileges to use the Easement Premises ("Third Parties"), or may grant to Third Parties certain rights and privileges to use the Easement Premises, provided such use or uses by Grantor and any Third Parties shall not materially adversely interfere with the maintenance or use of the Line by Grantee.

1. B. GRANT AND USE OF EASEMENT. Grantor hereby gives, grants, bargains, sells and conveys unto Grantee, its successors and assigns, without any warranty or representation of any kind or nature and only to the extent Grantor's title permits and subject to the terms hereinafter set forth, a non-exclusive temporary construction easement, right and authority, from time to time, in, upon, along and over a twenty foot portion of the Premises immediately adjacent to and over the

Easement Premises (the "Temporary Easement Premises") to be used by Grantee only during periods of actual work activity and for any necessary restoration of the Easement Premises and or the Premises. No parking of vehicles, storage of materials or structure of improvement of any kind shall be permitted upon the Temporary Easement Premises.

2. **INSTALLATION OF THE LINE.** Prior to installing the Line, Grantee shall submit to Grantor for Grantor's approval its plans and land specifications for the installation thereof, and shall furnish any additional information concerning the installation of the Line from time to time as may be required by Grantor. Grantee agrees to maintain a clearance from Grantors gas main facilities of twelve inches (12) and to install the line no deeper than eighteen inches (18) below existing grade. Grantee agrees that all work on the Line shall be in accordance with good engineering practice and only on the Easement Premises or the Temporary Easement Premises. Grantee understands and agrees that Grantor's approval of Grantee's plans and specifications shall in no way make Grantor liable for any loss, cost, damage or expense incurred in connection with the work on and use of the Line, all of which liability shall exclusively be Grantee's. Grantee shall at its own expense, secure any permits or other consents required by law or ordinance of any municipality or other public body having jurisdiction over the work and use of the Line and shall at all times comply with all laws and regulations, both local and general, which affect the maintenance, operation and use of the Line. In case of the initial installation of the Line and, except in the case of emergency repairs, notice shall be given by Grantee to Grantor at least seventy-two (72) hours in advance by contacting Grantors Gas Operations Department at 219-962-0447 attention Dana Clark.

3. **NO INTERFERENCE.** In exercising the rights herein granted, Grantee shall not interfere with the road, towers, electrical transmission lines, gas mains equipment and/or facilities of Grantor or of Third Parties constructed or to be constructed in, over, upon or under the Easement Premises, the Temporary Easement Premises or the Premises. It is also understood and agreed that Grantor may grant other rights and privileges in the future to Third Parties, and Grantee hereby agrees to execute upon demand by Grantor such consents as may be deemed necessary by Grantor for the use of the Easement Premises, the Temporary Easement Premises or the Premises by other persons or corporations, provided such use shall not materially adversely interfere with the work or use of the Line by Grantee.

4. **NO OTHER IMPROVEMENTS.** Except as expressly provided for herein, no structures or other improvements shall be constructed or otherwise placed on the Easement Premises by, through or under Grantee. Grantee shall permit no holes, obstructions or any other condition, including without limitation the release of any hazardous materials or hazardous substances, on the Easement Premises, the Temporary Easement Premises or the Premises, which could create a hazard of any kind. Grantee shall not allow the parking of vehicles on the Easement Premises or the Temporary Easement Premises. Grantee shall keep and maintain the Easement Premises and the Temporary Easement Premises in a clean and orderly condition at all times, and shall maintain the Easement Premises and the Temporary Easement Premises in a good and safe condition and shall not interfere with the physical integrity of the existing land surface in any way.

5. **SAFEGUARDS.** Grantee shall provide and maintain to the satisfaction of Grantor adequate barriers and safeguards for and in respect to all poles, towers, gas mains and any structures or improvements of Grantor or any other Third Parties located near enough to the Line to be endangered by the installation of the Line. Grantee shall promptly reimburse Grantor for any reasonable costs or expenses incurred by Grantor in the protection, alteration, or relocation of its utility facilities located on or near the Easement Premises, the Temporary Easement Premises or the Premises which must, in the judgment of Grantor, be relocated altered or protected because of the work and use of the Line by Grantee.

6. **GRANTOR REPRESENTATIVE.** Grantor may have a representative present at any or all times when Grantee is performing work on the Line for the sole purpose of assuring that any such work will not interfere with Grantor's operation of its facilities. It is mutually agreed that the presence of a representative shall not relieve Grantee from any liability, claim, or obligation hereunder. Grantee shall reimburse Grantor for the expense of protecting its facilities occasioned by the work on the Line upon receipt of billing therefore from Grantor.

7. **TAXES.** Grantee shall pay or reimburse Grantor for any and all real estate or property taxes or special assessments, which may result from the use of a portion of the Premises by Grantee under the terms of this Agreement.

8. **WAIVER.** Grantee as a part of the consideration for this Agreement (i) releases and waives any and all right to recover any and all losses, claims, expenses or damages for personal injuries, property damages, loss of life or property from Grantor for or on account of any loss of any kind or nature suffered by Grantee arising out of the use, maintenance, repair or presence of the Line as permitted by this Agreement and (ii) assumes all risks of injuries or damage to its officials, employees, contractors, servants, agents, tenants and invitees and their property while on the Easement Premises, the Temporary Easement Premises or the Premises and hereby releases and discharges Grantor from any and all liability therefore.

9. **INDEMNITY.** Grantee agrees to indemnify, defend and save Grantor harmless from any and all liabilities, losses, claims, expenses or damages including, without limitation, reasonable attorney's fees for personal injuries, property damages, loss of life or property of any kind or character including, without limitation, arising out of or caused by the presence or use by, through or under Grantee of any hazardous substance or hazardous waste as defined in any federal, state or local statute, law, ordinance, code, regulation, order or decree, which may be brought against or are incurred by Grantor by any person or party directly or indirectly resulting from or arising out of, wholly or in part, the

work on or use of the Line as permitted by this Agreement. Grantor reserves the right to make claim for any damage for any acts or omissions of Grantee occurring within or outside of the Easement Premises. It is understood and agreed by Grantee that at all times during the term of this Agreement, including during any work on the Line, that the gas lines of Grantor are pressurized and thereby create a danger to people working in the vicinity of said gas lines should they damage such gas lines. Grantee specifically agrees to indemnify, defend and save Grantor harmless from any claims of Grantee arising from Grantee, its agents, servants, employees, invites or contractors damaging the gas lines of Grantor during the term of this Agreement, including any work on or use of the Line. It is further understood and agreed by Grantee that Grantor shall under no circumstances be liable or responsible for any injuries or damages sustained in relation to the Line of Grantee, which may result directly, or indirectly from the operation, use or maintenance of Grantor's facilities.

10. A. INSURANCE. The Grantee at its own expense shall obtain and keep in force during the term of this Agreement, a general liability insurance (with contractual liability) in an amount not less than Three Million Dollars (\$3,000,000.00) (to be increased from time to time as reasonably determined by Grantor) with a company and in a form satisfactory to Grantor fully covering Grantor with respect to all matters arising through or under this Agreement; and Grantee shall deliver and maintain with Grantor at all times a current certificate of insurance evidencing said coverage and also, upon request of Grantor, deliver the original policy. Grantor shall be named as an additional named insured in said insurance policy. Said insurance policy shall reflect Grantee's waiver of claims against Grantor by including a waiver of subrogation and shall contain an agreement by the insurer that said policy shall not be canceled or not renewed without at least thirty (30) days prior written notice. In the event of failure of Grantee to obtain or keep in force such insurance policy, Grantor may either (i) terminate this Agreement at which time Grantee shall have sixty (60) days to remove the Line or be deemed without further act or instrument by either party to have sold the Line to Grantor or (ii) obtain the same and Grantee shall pay the premium therefore and also reimburse Grantor for any expenditure for obtaining such insurance upon Grantor's rendering a bill therefore.

10. B. Grantee shall cause all third party and subcontractors at any time engaged in the performance of any work on the Easement Premises to maintain general liability insurance with limits of One Million Dollars (\$1,000,000). All such insurance shall be with a company and in a form to Grantor. Grantor shall be named as an additional insured. Such policy shall expressly provide that the insurance is primary coverage for the benefit of Grantor and that the insurer shall not seek contribution from any insurance or self-insurance program that provides coverage for Grantor as an additional insured.

In the event of any failure of Grantee's contractors' insurance to cover any loss, cost, damage or expense required to be covered by the insurance under this paragraph, Grantee represents and warrants to Grantor that (i) Grantee's insurance coverage includes independent contractor liability coverage which would cover any such loss, costs, damage or expense arising under Grantee's contractors' conduct and (ii) GRANTEE SHALL PROTECT, DEFEND, INDEMNIFY AND HOLD HARMLESS GRANTOR FROM AND AGAINST ANY AND ALL CLAIMS ARISING OUT OF OR RELATED IN ANY WAY TO THIS AGREEMENT RESULTING FROM THE AFORESAID FAILURE IN ITS CONTRACTORS' INSURANCE.

11. RESERVED RIGHTS. The use of the Easement Premises and the Temporary Easement Premises by Grantee under this Agreement is subject and subordinate to possession and use of the Easement Premises, the Temporary Easement Premises and the Premises by Grantor for the construction, maintenance, operation and repair of electrical and gas transmission or distribution lines, generating facilities, telecommunications, road and other utility facility now or hereafter placed upon, over or under the Easement Premises, the Temporary Easement Premises and the Premises. Grantor reserves full possession for its uses and purposes and the right to enter upon the Easement Premises, the Temporary Easement Premises and the Premises at any and all times to repair, renew erect or complete the erection of any existing or future electric and gas transmission or distribution lines generating facilities, telecommunications, road or other facilities over, under and across said Easement Premises, the Temporary Easement Premises and the Premises as Grantor desires. Grantor reserves the right to make replacements, inspections, alterations, extensions, or repairs to its poles, towers, foundations, lines, telecommunications lines, wires or authorized others to perform such work with as little injury as possible to the Line and without any liability therefore.

12. NO LIENS. Grantee further covenants and agrees that no mechanic's or other lien shall be permitted to accrue or be filed against the Easement Premises, the Temporary Easement Premises or the Premises for or on account of any action, matter or thing required or permitted to be done by Grantee under this Agreement and in the event that any such mechanic's or other lien does accrue or is filed against the Easement Premises, the Temporary Easement Premises or the Premises, Grantor may take such steps and make such payments as are necessary to extinguish said mechanic's or other liens and Grantee shall pay Grantor, upon being billed therefore, the amount that Grantor was required to pay and expend in order to extinguish said lien.

13. NOTICES. All notices or demands hereunder may be served on Grantor by certified mail addressed to Northern Indiana Public Service Company, Attention: NiSource Real Estate, 801 East 86th Avenue, Merrillville, Indiana 46410, and such notices and demands hereunder may be served on Grantee by certified mail addressed to Town of Highland, 3333 Ridge Road Highland, Indiana 46322, Attention: Public Works Director. The mailing of such notices or demands by certified mail shall be sufficient service thereof.

14. SUCCESSORS AND ASSIGNS. The easement rights and responsibilities set forth in this Agreement shall be perpetual and shall run with the land. This Agreement and its privileges shall further be binding upon and inure to the benefit of the parties hereto, and to their respective successors and assigns.

15. ABANDONMENT. The parties hereto agree that should the Line be abandoned, or not used for a period of two (2) years, or not installed within two (2) years from the date hereof, the easement shall automatically cease and terminate, and Grantee shall, if requested by Grantor, release the same of public record, and Grantee shall, if requested by Grantor, remove the Line.

16. GOVERNING LAW; COMPLETE AGREEMENT. This Agreement shall be construed and governed in all respects under the laws of the State of Indiana. This instrument sets forth the entire Agreement of the parties with respect to the subject matter hereof.

17. AMENDMENT. This Agreement may be amended only by written agreement of Grantor and Grantee.

IN WITNESS WHEREOF, the parties hereto have executed this agreement this _____ day of _____, 2008.

NORTHERN INDIANA PUBLIC SERVICE COMPANY

By: _____

Its: _____

TOWN OF HIGHLAND

By: _____

Bernie Zemen

Its: Town Council President

Attest:

Michael W. Griffin, IAMC/CMC/CPFA
Clerk-Treasurer

8. **Works Board Order No. 2008-14:** An Order of the Works Board Authorizing and approving an amendment to a purchase agreement for the property at 3315 Ridge Road, changing closing date and authorizing an increase in the earnest money from \$2,000 to the amount of \$5,000. *At its meeting of April 14, 2008, the Town Council passed Resolution No. 2008-15. It authorized, ratified and instructed the public works director to obtain two appraisals of the property at 3315 and 3309 Ridge Road, pursuant to IC 36-1-10.5 et seq. At the same meeting the Town Council President was authorized to negotiate with the seller of the property at 3315 Ridge Road, and to make an offer for purchase, not to exceed \$132,500 and report back to the Town Council. At its meeting of February 15, 2008 the Council passed Works Board Order No. 2008-12 which approved the contract to purchase the property for \$132,500 subject to financing. Financing has been identified but will not be available until August. This action amends the agreement to change closing until August 31, 2008 and releases earnest money.*

Councilor Vassar moved the passage and adoption of Works Board Order No. 2008-14. Councilor Herak seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

Town of Highland
Board of Works
Order of the Works Board 2008-14

An Order of the Works Board Authorizing and approving an amendment to the existing purchase agreement and price for the property at 3315 Ridge Road, Highland, in the amount of \$132,500 contingent upon funding and authorizing the payment or deposit of earnest money in the amount of \$5,000.

Whereas, The Town Council as the fiscal body and purchasing agency for the Municipal Corporation did pass and adopt Resolution No. 2008-15 at its meeting of April 14, 2008, in which it expressed interest in the possible acquisition of

Highland properties located at 3309 and 3315 Ridge Road, and instructed the Public Works Director to acquire two appraisals of the properties pursuant to IC 36-1-10.5-5 et seq.;

Whereas, Pursuant to the foregoing, the Public Works Director engaged the appraisal services of Bochnowski Appraisal Company and KVT, Incorporated, both trained and licensed as brokers under IC 25-34.1, to appraise the fair market value of the property located at 3315 Ridge Road and 3309 Ridge Road;

Whereas, Bochnowski Appraisal Company and KVT, Incorporated have prepared and submitted written appraisals for the properties located at 3315 and 3309 Ridge Road and have determined the fair market value as follows:

<u>Location</u>	<u>Bochnowski</u>	<u>KVT, Inc.</u>	<u>Average</u>
3315 Ridge Road	\$133,000.00	\$132,000.00	\$132,500.00
3309 Ridge Road	\$106,000.00	\$104,000.00	\$105,000.00

Whereas, The Town Council, at its meeting of April 14, 2008 also authorized the Town Council President to negotiate a price and extend an offer to purchase the property at 3315 Ridge Road, at a price not to exceed the average of the two appraisals, that being \$132,500, and that any offer be contingent upon financing; and

Whereas, The Town Council President made an offer of \$132,500, contingent upon financing, which has been accepted by the seller;

Whereas, The seller has presented a real estate sales agreement in support of the offer made by the Town Council President and the acceptance, which was approved by the Town Council on April 28, 2008; and,

Whereas, the Town Council as the Works Board of the Municipality, pursuant to §31.17 (A) (X) of the HMC serves as purchasing agency for the Municipal Corporation;

Whereas, The purchase price exceeds \$10,000.00 and, pursuant to §31.18(C) of the HMC requires the express approval of the purchasing agency;

Whereas, The source of funding and the manner of financing have been determined but the timetable for settlement is such that it has been determined that some amendment to the previously approved purchase agreement was desirable; and

Whereas, The Town Council now desires to approve and authorize the proper officers to complete the purchase pursuant to the terms stated herein and approve the amendment to the existing agreement,

Now Therefore Be it So Ordered by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1. That the purchase of the property located at **3315 Ridge Road, Highland**, for a purchase price of \$132,500 is previously authorized and approved contingent upon the determination and availability of financing is hereby confirmed;

Section 2. That the payment of earnest money be increased from its previous **\$2,000** to the amount of **\$5,000** is hereby authorized to evidence the good faith of the municipal corporation in this matter, all of which shall be released to the seller and shall be credited toward the purchase price at closing;

Section 3. That the land purchase agreement amendment presented as an exhibit to this works board order is hereby approved in all respects, contingent upon financing, and subject to the laws of the state of Indiana and the ordinances of the Town of Highland;

Section 4. That the proper officers of the municipality are hereby authorized to execute all documents necessary to implement the purchase of the property subject to the contingencies herein provided;

Section 5. That the Municipal Fiscal Officer and the Town Council attorney are hereby authorized to take the necessary measures to identify and secure the most optimum manner of financing for the purchase of the property subject to the constraints of current financial circumstances and financing environment, to carryout the purchase of this property.

Be it So Ordered.

Duly, Passed and Adopted by the Town Council of the Town of Highland, Lake County, Indiana this 9th day of June 2008 having passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

9. **Proposed Ordinance No. 1395.1375-G:** AN ORDINANCE to AMEND THE ORDINANCE FIXING THE WAGE and SALARY RATES of the EMPLOYEES of the TOWN of HIGHLAND, INDIANA for 2008, in the PUBLIC WORKS DEPARTMENT.
The amendment raises the top hourly rate for the Master Gardner/Landscaper from \$14 to \$15.

Councilor Herak introduced and moved the consideration of Ordinance No. 1395.1375-G at the same meeting of introduction. Councilor Vassar seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The ordinance could be considered on the first night of introduction.

Councilor Herak moved the passage and adoption of Ordinance No. 1395.1375-G at the same meeting of introduction. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The ordinance was adopted on the first night of introduction.

**ORDINANCE No. 1395.1375-G
of the
TOWN of HIGHLAND, INDIANA**

AN ORDINANCE to AMEND THE ORDINANCE FIXING THE WAGE and SALARY RATES of the EMPLOYEES of the TOWN of HIGHLAND, INDIANA for 2008, in the PUBLIC WORKS DEPARTMENT.

WHEREAS, Title 36, Article 1 Chapter 4 of the Indiana Code confers certain general corporate powers on the several units of government in Indiana;

WHEREAS, Section fifteen of that chapter specifically provides that a unit of government may fix the level of compensation of its officers and employees; and

WHEREAS, I.C. 36-5-3-2 further provides in pertinent part that the town legislative body shall provide reasonable compensation for the other town officers and employees;

WHEREAS, I.C. 36-5-3-2(b), still further provides that the Town Legislative body shall, by ordinance fix the compensation of its own members and the Town Clerk-Treasurer;

WHEREAS, I.C. 36-5-3-2(c) still further provides that the compensation of an elected town officer may not be changed in the year for which it is fixed, nor may it be reduced below the amount fixed for the previous year; and

WHEREAS, The Town Council of the Town of Highland, as the town legislative body, acted to fix the compensation of its elected officers, appointed officers and employees of the Town for the year ensuing, by passage and adoption of Ordinance No. 1375;

WHEREAS, The Town Council of the Town of Highland has been advised that modification to certain provisions of Ordinance No. 1375, as amended, would be desirable;

WHEREAS, The Town Council of the Town of Highland, as the town legislative body, now desires to further modify and fix the compensation of its elected officers, appointed officers and employees of the Town for the year and to further perfect the wage and salary ordinance,

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Town Council of the Town of Highland, Lake County, Indiana, that the Wages, Salaries, and special detail levels of the Officers and Employees of the Town of Highland, are hereby established and fixed, pursuant to the provisions indicated herein as follows:

Provision One: That subdivision (b) of Section 9 of Ordinance No. 1375 as amended, be repealed in its entirety and replaced with a new subdivision which shall be identified as subdivision (b) of Section 9 which shall read as follows:

Section 9. That subject to the provisions of this ordinance, the salary and wages for the non-elected officers and employees of the Town of Highland are hereby fixed for its **Public Works Department** as follows:

(b) Associate Staff and Employees		Starting Rate	Incumbent Rate
Public Works Secretary	(1)	\$14.78	\$17.80 per hr.
Dispatch Clerk	(1)	\$13.20	\$13.20 per hr.
Senior Mechanic	(1)	\$18.30	\$18.30 per hr.
Senior Utility Technician	(1)	\$18.25**	\$18.25** per hr.
Utility Technician	(2)	\$14.86	\$14.86 per hr.

This base rate shall be modified as follows:

w/ Commercial Drivers License add		\$ 0.50	\$ 0.50 per hr.
w/DSL Operators' License add		\$ 1.01	\$ 1.01 per hr.
Utility Worker /Equipment Operator	(2)	\$18.25**	\$18.25 per hr.
Utility Worker /Equipment Operator	(2)	\$18.25 **	\$19.25 per hr.
Pump Station Operator	(2)	\$15.70	\$15.70 per hr.
This base rate shall be modified as follows:			
w/ Commercial Drivers License add		\$00.50	\$00.50 per hr.
w/DSL Operators' License add		\$ 1.01	\$ 1.01 per hr.
w/ CT Operators' License add		\$00.25	\$00.25 per hr.
w/ Backflow prevention license		\$00.25	\$00.25 per hr.
Street Sweeper Operator	(1)	\$16.38	\$17.51 per hr.
Utility Worker/Driver A	(3)	\$17.72	\$17.72 per hr.
Utility Worker/Driver B	(3)	\$15.19	\$15.19 per hr.
Utility Worker/Driver C	(3)	\$12.84	\$12.84 per hr.
Mechanic	(1)***	\$16.63	\$16.63 per hr.
Mechanic	(2)	\$16.63	\$16.63-\$17.89 per hr.
Utility Worker/Driver/ Street sweeper Operator (part-time)		\$12.84	\$12.84 per hr.

*** Once a worker is assigned the **Senior Mechanic's** position, the authorization for this position is reduced to zero (0).

Sign & Traffic Control Technician	(1)	\$15.36	\$15.36 per hr.
w/ Commercial Drivers License add		\$ 0.50	\$ 0.50 per hr.
w/MUTCD* Certification add		\$ 1.01	\$ 1.01 per hr.

*Satisfactory completion of training course on the Manual of Uniform Traffic Control Devices as provided by the American Public Works Association (APWA), Local Technical Assistance Program (LTAP), the American Traffic Safety Services Association (ATSSA) or the International Municipal Sign Association (ISMA).

Utility Worker A	(2)	\$13.41	\$13.41-\$14.61 per hr.
Utility Worker B	(4)	\$10.36	\$10.36-\$12.78 per hr.
Custodian	(1)	\$12.42	\$12.42 per hr.
Attendant Town Garage	(1)	\$11.55	\$12.08 per hr.

Secretary (part-time)	\$ 5.85-\$12.50 per hr.
Laborer (not truck driver)(part-time)	\$ 7.00-\$ 11.64 per hr.
Master Gardener/ Streetscaping (part-time)	\$12.00 - \$ 15.00 per hr.

Effective July 13, 2008:

Secretary (part-time)	\$ 6.55-\$12.50 per hr.
Laborer (not truck driver)(part-time)	\$ 7.00-\$ 11.64 per hr.

Effective July 12, 2009:

Secretary (part-time)	\$ 7.25-\$12.50 per hr.
Laborer (not truck driver)(part-time)	\$ 7.25-\$ 11.64 per hr.

Provision Two: (A) That an emergency exists for the immediate taking affect of this Ordinance, which, subject to the provisions of this ordinance, shall become effective and shall remain in full force and effect from and after the date of its passage and adoption, pursuant to any effective dates herein described and until its repeal or amendment by subsequent enactment;

(B) That the Clerk-Treasurer shall have authority to implement within a reasonable time those provisions regarding wage changes occurring between the effective dates set forth retroactively in this ordinance and the date of its passage and adoption;

Introduced and Filed on the 9th day of June 2008. Consideration on same day or at same meeting of introduction sustained a vote of 4 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 9th Day of June 2008, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

10. **Proposed Ordinance No. 1398:** An Ordinance to Amend the Subchapter styled Special Events Advisory Commission. Councilor Herak introduced and moved the consideration of Ordinance No. 1398 at the same meeting of introduction. Councilor Vassar seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The ordinance could be considered on the first night of introduction.

Councilor Herak moved the passage and adoption of Ordinance No. 1398 at the same meeting of introduction. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The ordinance was adopted on the first night of introduction.

**TOWN OF HIGHLAND, INDIANA
ORDINANCE NO. 1398**

AN ORDINANCE TO AMEND THE SUBCHAPTER OF THE HIGHLAND MUNICIPAL CODE ENTITLED SPECIAL EVENTS ADVISORY COMMISSION AND THEN RE-ESTABLISHING A COMMUNITY EVENTS COMMISSION APPOINTED BY THE MUNICIPAL EXECUTIVE AND the MUNICIPAL LEGISLATIVE BODY, RE-ESTABLISHING SPECIAL EVENT NON-REVERTING AND PETTY CASH FUNDS AND REPEALING CONFLICTING ORDINANCES.

WHEREAS, The Town of Highland is a local unit of general government governed by a Town Council, which is both the fiscal and legislative body of the Town;

WHEREAS, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

WHEREAS IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through passage of an ordinance passed by the legislative body;

WHEREAS, The Special Events Advisory Commission was established by the Town Council as a successor to the Park Advisory Council of Community Events which had its genesis in several antecedent advisory bodies to the Town Council which were originally formed to celebrate or commemorate certain significant events in the life of the community or the nation;

WHEREAS, The Town Council as the governing body for the municipality, may establish, aid, maintain, and operate recreation facilities, cultural, historical programs, pursuant to its general culture and recreation powers conferred in IC 36-10-2; and

WHEREAS, The Town Council now desires to modify the structure and expand the membership of the existing Special Events Advisory Commission in order to further perfect its ability to plan, coordinate, implement and conduct special events;

WHEREAS, The Town Council believes this action to be necessary and desirable for the conduct of the affairs of the Town, and in the public interest, consistent with the powers granted under IC 36-1-3 et seq. and IC 36-10-2 et sequitur;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF HIGHLAND, LAKE COUNTY, INDIANA as follows:

Section 1. That Chapter 32 of the Highland Code of Ordinances is hereby amended by repealing the subchapter styled as the *Special Event Advisory Commission*, comprised of Sections 32.40 through 32.45 and replacing it with a new subchapter to be styled as the **Community Events Commission**, comprised of Sections §32.40 thorough § 32.45 which shall read as follows:

COMMUNITY EVENTS COMMISSION

§32.40 ESTABLISHMENT

- (A) A Community Events Commission is established to advise and assist with the planning and execution of special events within the Town of Highland. All corporate powers of the Town of Highland are vested in the Town Council. No individual member of the Commission or collective action of the Commission may direct action to be taken by the Town Council, any employee or contractor of the Town.
- (B) The Commission shall consist of ~~eleven~~ **sixteen** voting members, with seven members appointed to staggered terms of office ~~and four~~ **nine** members appointed to concurrent annual terms of office. One member shall serve an initial term expiring on the first day of January 2008; three members shall serve an initial term expiring on the first day of January 2010; and three members shall serve an initial term expiring on the first day of January 2011. Thereafter, each member serving a staggered term may be appointed to a term of four years. Each member of the annual concurrent appointments, may be reappointed to a term of one 1 year. The municipal executive shall make the initial one-year appointment; one of the initial two-year appointments and one of the initial three-year appointments. The legislative body shall make two of the initial two-year appointments and two of the initial three-year appointments. Finally, the legislative body shall also make the annual one-year term appointments.
- (C) All members of the Commission shall serve until their successors have been appointed and confirmed, subject to the limitation set forth in IC 36-1-8-10(c).
- (D) Members of the Commission serve at the pleasure of the appointing authority. New members will be appointed to fulfill the unexpired term of a member whose seat becomes vacant for any reason during his or her term. Successive appointments shall be made by the proper appointing authority making the initial appointments as described in § 32.40 (B).
- (E) The senior management staff person from each Department of the Town shall serve as ex-officio, non-voting members of the Commission.
- (F) No person shall be appointed as voting member of the Commission who has not attained the age of 18 years, who is not a resident of Highland or who holds any other town office by appointment or election.
- (G) The members of the Commission serve without compensation. Members of the Commission shall not accept gifts, gratuities or other consideration from contracted vendors or vendors under consideration for use at a special event.
- (H) A faithful performance or surety bond as prescribed by IC 5-4-1 et sequitur in the amount of ten thousand dollars (\$10,000) shall be obtained for the Commission to cover the faithful performance of the duties of the officers and members of the Commission, including the duty to comply with IC 35-44-1-2 and the duty to account properly for all monies and property received in consequence of the duties and activities set forth in this subchapter.
- (I) The clerk-treasurer shall serve as the purchasing agent for the activities of the Commission, pursuant to Section § 31.19 (D)(10) of the Municipal Code and IC 5-22 et seq.

§32.41 ORGANIZATION AND STRUCTURE

- (A) At its first regular meeting each year, the Commission shall elect from its members a chairperson, 1st vice chairperson, a 2nd vice person who shall also act as financial secretary and a secretary.
- (B) **The 1st vice chairperson shall act as chairperson during the absence or disability of the chairperson and the 1st vice chairperson, the 2nd vice-chairperson shall act as chairperson. In the event that the chairperson, the 1st vice-chairperson and the 2nd vice chairperson are absent, the secretary will preside over the remainder of the body constituting a quorum which then shall appoint a chair person *Pro Tempore*, who shall perform the duties of the chairperson for that meeting.**
- (C) *Subject to the provisions of this subchapter, the chairperson, shall preside over the meetings of the Commission and shall exercise and perform such duties as are assigned to him or her by this section, as well as perform the duties customary to the office as set forth in the parliamentary authority.*
- (D) The Clerk-Treasurer shall serve as Treasurer of the Commission, pursuant to IC 5-13-5-2. The 2nd Vice Chairperson shall also serve as financial secretary. The financial secretary shall collect all valid invoices for goods or services obtained in carrying out the lawful purposes of the Commission. The financial secretary shall be responsible for the receipt of applications and associated fees and charges and properly cause them to be deposited with the Clerk-Treasurer according to the provisions of Section § 32.48. The financial secretary shall prepare and sign accounts payable vouchers to be filed for allowance by the Town Council all according to IC 5-11-9, IC 5-11-10 and IC 36-5-4 et sequitur.
- (G) The Secretary shall be responsible for preparing the agenda for Commission meetings in consultation with the Chair and providing public notice of the meetings of the Commission. The Secretary shall take roll at the meetings of the Commission and shall cause minutes to be kept, showing the vote of the Commission members on each question and on the other official actions of the Commission, all pursuant to IC 5-14-1.5. The Secretary shall maintain copies of communications and reports considered by the Commission. In addition, the Secretary perform the duties customary to the office as set forth in the parliamentary authority.

- (H) The Commission is a public body and shall comply with the Indiana Open Meetings Act by providing public notice of its meetings consistent with the Open Meetings Act, pursuant to IC 5-14-1.5. Its records shall be considered public records, governed by IC 5-14-3 et seq.
- (I) The parliamentary authority for the Commission is Roberts Rules of Order, newly revised. The Commission may take no action on any agenda item unless a quorum of the Commission is present. A quorum shall be ~~four~~ six members of the Commission.
- (J) At its first organizational meeting and at the first meeting of each calendar year thereafter, the Commission shall establish dates and times for its regularly scheduled meetings. In formulating its meeting schedule, the Commission shall attempt to avoid conflict with members' work and vacation schedules. Meetings shall generally be held once per month, unless there is no business to be considered by the Commission. Meeting dates once established shall be filed with the Clerk-Treasurer.

§32.42 PURPOSES

- (A) The Community Events Commission is established to advise and assist with the planning and execution of special events within the Town of Highland. Approval of a permit by the Commission is necessary to sponsor a special event to assure compliance with policies, rules and regulations, requirements of state law and local ordinances.
- (B) The purposes of the Commission are:
 - (1) To coordinate the annual celebration of the 4th of July festivities (Independence Day) including, but not limited to: a festival, parade and fireworks;
 - (2) To coordinate a Christmas Parade;
 - (3) To coordinate Memorial Day and Veteran's Day ceremonies;
 - (4) To initiate plans for the Town of Highland's Centennial Event in 2010;
 - (5) To assist with other special events the Commission determines will promote good will in the Town of Highland, including, but not limited to an annual 18th Century Historical Reenactment, Seasonal Festivals, Beer Gardens, Block Parties, Parades, Arts & Craft Shows and Itinerant Restaurants;
 - (6) To appoint standing and/or ad hoc committees to sponsor and produce specific special events; and
 - (7) To formulate ordinances for consideration by the Town Council establishing standard operating policies, rules and regulations applicable to Special Events and permits therefore, as the Commission may deem necessary to conduct its affairs.

§32.43 ANNUAL REPORT

The Community Events Commission shall prepare and submit an annual report concerning special events to the Town Council and **Clerk-Treasurer** in December of each year.

§ 32.44 SPECIAL EVENTS NON-REVERTING OPERATING FUND

- (A) There is hereby authorized, created and established a special non-reverting operating fund, to be called the **Special Events** Non-reverting Operating Fund for use by the Town on the in support of the purposes of this subchapter.
- (B) That the fund is dedicated and established to provide operating resources for parks and recreation programs, operations and special events undertaken by the Town under advice of its special events advisory Commission, pursuant to the authority of IC 36-10-2, and IC 36-1-3 et seq.
- (C) That expenditures from this fund shall be governed by the following provisions:
 - (1) That expenditures from this fund shall for the purposes and in support of the purposes set forth in this subchapter of the municipal code and according to the laws and relevant guidelines governing the disposition of the assets, which comprise the fund, provided the expenditures shall be only operating in nature;
 - (2) That neither the establishment nor the purposes of this fund shall be in derogation of the lawful purposes or construed to exclude the lawful purpose or expenditure from such other funds of the municipality for the same or similar purposes;
 - (3) That expenditures from the Fund may be made only upon appropriation by the fiscal body for the purpose for which the fund is specifically established, in the manner provided by statute for making other appropriations and shall be disbursed only on approved accounts payable vouchers allowed by the Town Council, all pursuant to IC 5-11-10, IC 36-5-4 and IC 36-5 et seq.;
- (D) That the sources of money for the fund are the following:

(1) Gifts, and donations from any person given expressly for the purposes and objects of the fund, unless otherwise directed by action of the Town Council;

(2) User fees and other charges authorized and fixed by the Town Council in connection with special community events, upon the advise of the Special Event Advisory Council;

(3) That pursuant to Indiana Code Title 5, Article 13, Chapter 9, and this code, moneys in the fund may be invested provided that the yields from the purchase and sale of any such investments be deposited with the fund;

(E) That the appropriations and the cash on deposit to the credit of the fund, shall not revert to any other fund but remain with the Special Events non-reverting operating fund at year end and until such time as an ordinance is passed dealing with the disposition of the assets of this fund;

(F) That the clerk-treasurer as municipal fiscal officer, is hereby directed and authorized to perform such duties and keep such accounts as to fulfill the purpose of the funds herein named and to carry-out the provisions of this chapter;

(G) That the Non-Reverting Special Event Fund may be liquidated by an ordinance approved by the Town Council. Should there be any funds left on deposit in said fund, such funds shall revert to the General Fund of the Town unless otherwise provided by ordinance of the Town Council.

§32.45 BUDGET AND DISPOSITION OF FUNDS

(A) The officers of the **Community Events Commission** will submit an annual budget for the expenditure of special event revenue to the **Community Events Commission** for review by July 30th of each calendar year. A budget recommended by the Commission shall be submitted to Town Clerk-Treasurer to meet the publication timetable of IC 6-1.1-17 et seq. and then to the Town Council by the first Friday of August of each calendar year. By September 30th of each calendar year the Town Council will approve an annual budget for the expenditure of special event revenues for the succeeding calendar and fiscal year.

(B) The clerk-treasurer shall be the approving authority for the expenditure of special event revenues less than \$10,000; expenditures greater than \$10,000 require prior approval of the Town Council.

Section 2 That Chapter 32 of the Highland Code of Ordinances is hereby amended by repealing the existing subchapter styled as *Special Event Fees and Charges*, comprised of Sections § 32.46 through § 32.48, and substituting a new subchapter styled as *Special Event Fees and Charges*, comprised of Sections § 32.46 through § 32.48, which shall read as follows:

SPECIAL EVENT FEES and CHARGES

§32.46 ESTABLISHMENT

- (A) In order to provide ways and means to carry out and support the scheduling and execution of special events in the Town, a schedule of fees and charges is hereby authorized and established to be paid by certain food and craft vendors who are participants in special events that are conducted by the Town of Highland for which the **Community Events Commission** has offered support and advice, and that are not otherwise under the direction of the Highland Parks and Recreation Department.
- (B) These fees and charges are in effect for special events at which the identified type of vendor or exhibitor participates as an amenity or attraction associated with a special event that is sponsored by the Town of Highland for which the **Community Events Commission** has offered support and advice.
- (C) Special Events for which these fees and charges apply may be effective for special events that may be conducted from time to time on property of the Parks and Recreation Department, provided the Park and Recreation Board has authorized the use of its property for that purpose.

§32.47 SPECIAL EVENT FEES AND CHARGES

- (A) *The following fees and charges are hereby established for vendors displaying for sale or exhibit various wares of arts and crafts as part of a special event for which the Community Events Commission has offered support and advice:*

Area used for Exhibit	User Fee
10'x10'	\$300.00
10'x20'	\$450.00
10'x30'	\$600.00

- (B) *The following fees and charges are hereby established for vendors offering food and beverages for sale as part of a special event for which the Special Events Advisory Committee has offered support and advice:*

Space, Area and Electrical Needs used for Exhibit	User Fee
Single Space 10'x10' with 2 outlets 20 amps	\$300.00
Double Space 20'x20' with 4 outlets 40 amps	\$550.00
Trailer One line 220 volt/40 amps	\$550.00

- (C) Vendors identified in this subchapter **are exempt** from the requirements of Chapter 114 of the Municipal Code regulating peddlers and solicitors.

§32.48 CASH BOOK DUTIES; DEPOSITS of FEES

- (A) Money procured from fees and charges identified in this subchapter shall be deposited at least **weekly, and more frequently when possible**, with the Clerk-Treasurer.
- (B) The Clerk-Treasurer shall deposit the fees and receipt to the credit of the Special Events Non-Reverting Operating Fund as described in Section §32.44 of the municipal code.
- (C) The Clerk-Treasurer shall keep such accounts and perform such other tasks and duties as outlined under IC 5-13-5 and IC 36-5-6.

Section 3. Chapter 31 of the Highland Code of Ordinances is hereby amended by adding a new Section §31.05 as follows:

§31.05 SPECIAL EVENT PETTY CASH FUND

- (A) There is hereby authorized, created and established a petty cash fund to be known as the Special Event Petty Cash Fund, pursuant to the provisions of I.C. 36-1-8 et seq.
- (B) The **Clerk-Treasurer** is permitted to establish a petty change fund in support of this section:
- (1) The Special Event Petty Cash Fund shall be established by a warrant not to exceed \$500 drawn from the proper appropriated or non-appropriated balance of the Non-Reverting Special Event Fund in favor of the **Clerk-Treasurer**, who is the custodian of the fund;
 - (2) The establishing warrant and such successive warrants as shall be necessary to re-supply the fund shall be drawn in favor of the **Clerk-Treasurer**, who shall convert the warrant to cash;
 - (3) The custodian of the petty cash fund shall use it to pay small emergency or exigent items of operating expense, in order to support the duties and to carry out special event purposes;
 - (4) A receipt shall be taken for each expenditure made from the fund;
 - (5) The **Financial Secretary of the Commission** shall periodically file a voucher, with all original receipts totaling the cash claimed expended being attached to it, so that the fund can be reimbursed for expenditures from it;
 - (6) Reimbursement must be approved and allowed at any regular or special meeting of the Town Council, and made in the same manner as is required for other expenditures of the Town;
 - (7) The custodian of the fund shall account for it in the same manner as is required of other funds of the Town.
- (C) The entire petty cash fund authorized and established pursuant to this section shall be returned to the Non-Reverting Special Event Fund whenever there is a change in the custodian of the fund.
- (D) The entire petty cash fund authorized and established pursuant to this section shall be returned to the Non-Reverting Special Event Fund or, in the absence of this fund, the Corporate General Fund of the municipality, whenever the purposes of the fund have substantially changed or the fund is no longer needed.

Section 4. (A) Any and all such ordinances in conflict with the provisions of this ordinance are hereby repealed and of no further force or effect. Further, any appointments made under the provisions of the former ordinance remain in effect according to the successor provisions.

(B) The legislative appointments made by the Town Council at its meeting of June 9, 2008 in anticipation of the provisions of this ordinance are hereby ratified and confirmed.

(C) The Clerk-Treasurer shall be authorized and tasked to account for the persons and the terms of the current **Community Events Commission** body aligning them with the successive provisions for appointments set forth in this ordinance. The records and determinations of the Clerk-Treasurer regarding the alignment of terms shall be dispositive.

Section 5. This ordinance shall become and be in full force and effect from and after the date of its passage and adoption upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 9th Day of June 2008. Consideration on same day or at same meeting of introduction sustained a vote of 4 in favor and 0 opposed, all pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 9th Day of June, 2008, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

NEW BUSINESS

With the unanimous consent of the Town Council, Councilor Herak was permitted to present additional persons to be considered for appointment to the Community Events Commission.

Appointments to the Community Events Commission. Councilor Herak moved that **Ellen Jasin**, 3504-81st Street, Highland; **Bill Vargo**, 3423 Jewett Street, Highland; **Dawn Stevenson**, 3117 Martha Street, Highland; and **Shelly Mayden**, 3107-99th Street East be appointed to legislative positions with terms of one year on the Community Events Council. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The persons were appointed.

Committee Reports

Councilor Mark Herak: *Advisory Board of Zoning Appeals Liaison • Board of Sanitary Commissioners Liaison • Special Events Advisory Committee, Liaison.*

Councilor Herak inquired of the Fire Chief about the status of the Tornado Sirens. It was reported that the siren located at Central Fire Station was struck by lightning and repairs were underway.

Councilor Herak reported from the Parks and Recreation Department that the Main Square Street Market would be conducted June 14, 2008; Children of Light Concert at Main Square on Wednesday and Community Band to perform Thursday.

Councilor Herak reported that the Sanitary District sewer line smoke testing project continues.

Councilor Dan Vassar: *Parks and Recreation Board Liaison • Building and Inspection Committee • Plan Commission member.*

Councilor Vassar presented a brief survey of matters soon to come before the Plan Commission..

Councilor Brian Novak: • *Waterworks Board Liaison • Fire Personnel Committee Lake County Solid Waste Management District Board of Directors member • Insurance Committee, member.*

No report due his work related absence.

Councilor Konnie Kuiper: *Town Board of Metropolitan Police Commissioners Liaison • Traffic Safety Commission Member • Chamber of Commerce Liaison.*

Councilor Kuiper reported that the Volunteers in Policing Program Service (VIPS) was conducting a fund-drive to raise money to support purchase of 2-way radios. The fundraising goal was reported at \$4,000.

Councilor Bernie Zemen: *Town Executive • Police Pension Board of Trustees Chair • Budget Committee Chair • Redevelopment Commission Liaison • Plan Commission member • Insurance Committee, member.*

The Town Council President reported that the Redevelopment Commission working on the issue of establishing a Riverfront Development Project Area or District and would soon bring the matter before the Town Council for its consideration and favor, all pursuant to IC 7.1-3-20, Sections 16 and 16.1, and Section 74 of HEA 1125, adopted as P.L. 131-2008.

Comments from the Public for Matters not on the Agenda. There were no comments written or spoken.

Payment of Accounts Payable Vouchers. There being no further business from the floor, Councilor Vassar moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period May 13, 2008 through to June 09, 2008. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The accounts payable vouchers were allowed and the clerk-treasurer was authorized to make payment.

General Fund, \$532,148.57; Motor Vehicle Highway and Street (MVH) Fund, \$87,695.76; Local Road and Street Fund, \$34,427.15; Forfeited and Seized Assets Fund, \$1,000.00; Law Enforcement Continuing Education and Training Fund, \$1,638.45; FSA Agency Fund, \$1,220.44; Insurance Premium Fund, \$88,343.70; Information and Communications Technology Fund, \$17,224.20; Donation Fund, \$12.00; Special Events Non Reverting Fund, \$683.73; Police Pension (1925) Fund, \$58,139.36; Municipal Cumulative Capital Development Fund, \$9,395.70; General Improvement Fund, \$5,445.20; Safe Neighborhoods Grant Fund, \$6,500.00; Municipal Cumulative Street Fund, \$3,548.50; Total: \$ 847,422.76.

Adjournment. Councilor Kuiper moved that the meeting be adjourned. Councilor Herak seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The regular meeting of the Town Council meeting of Monday, June 09, 2008 was adjourned at 8:40 O'clock p.m.

There was no study session following the meeting.

Michael W. Griffin, IAMC/CMC/CPFA
Clerk-Treasurer